

The 3rd, February, 1986.

No. 9/8/86-6 Lab./439.—In pursuance of the Provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the Workman and the management of M/s. Market Committee, Punhana, Tehsil Ferozepur Jhirka, District Gurgaon.

IN THE COURT OF SHRI R. N. SINGAL,
PRESIDING OFFICER, LABOUR COURT,
FARIDABAD.

Reference No. 370 of 1983

between

SHRI RAJBIR SINGH, WORKMAN AND THE
RESPONDENT-MANAGEMENT OF M/S.
MARKET COMMITTEE, PUNHANA,
TEHSIL FIROZEPUR JHIRKA,
DISTRICT GURGAON.

Present:—

Shri S. K. Goswami, for the workman.

Shri R. C. Sharma, for the respondent.

AWARD

This industrial dispute between the workman Shri Rajbir Singh and the respondent-management of M/s. Market Committee, Punhana, District Gurgaon, has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/131/82/55926-31, dated 14th October, 1983, under Section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Rajbir Singh was justified and in order? If not, to what relief is he entitled?

The facts of this case are not much disputed. It is admitted case of both the parties that the claimant was appointed on 1st July, 1980 and his services were terminated on 1st October, 1982. No retrenchment compensation was given to him nor any chargesheet was given to him. The workman has stated that the order of termination is illegal, mala fide and against the principles of natural justice. He has prayed for reinstatement with continuity of service and with full back wages.

The respondent has contended that the Market Committee is statutory body created by an

Act watching the interest of the agriculturists. The market committee collects fees from the Aarties and out of this collection, all the agriculturists are looked after. No capital is invested. The committee is performing the statutory and sovereign Acts. It is further contended that the claimant was a watchman and hence is not a workman. It is further contended that only 5/6 workmen were employed with the respondent and it is not covered under the definition of Industrial Disputes Act. It can hardly be said a shop with no business. It is further alleged that statutory body has its own rules and regulations, and the provisions of Industrial Disputes Act, 1947, are not applicable. Further additional plea is taken that a letter was given to the workman appointing him chowkidar with effect from 1st December, 1983, but, inspite of receipt of this information, the claimant did not report for duty.

In the rejoinder the claimant has contested his claim. He has admitted that he has received letter dated 24th November, 1983, to join as temporary chowkidar with effect from 1st December, 1983, but did not join duty because it was fresh appointment. The parties contested the claim on the following issues:—

(1) Whether the respondent-management is covered under the definition of Industry?

(2) As per reference?

I have heard the representatives of both the parties and gone through the evidence on record. My findings on the issues are as under:—

ISSUE No. 1:

The management has examined MW-1 Shri K. K. Gupta, Secretary, Market Committee, Punhana. He has stated that Haryana State Marketing Board has been created under Punjab Agriculture Produce Market Act. These market committees are constituted under Market Board. There are agriculture Mandies. These committees are constituted by election. Some members are nominated and some are elected by members of Panchayats and a Chairman is also elected. There is no balance sheet of these committees. There is no profit and loss account. Only Budget is prepared. Nothing is sold or purchased. Tax is charged from the buyers. This tax is spent on electricity water and rest house etc. 30 per cent of the tax is sent to the Board for payment of wages of his employees. The Committee keeps an eye on Aarties and brokers. The S.D.O. is generally the administrator of the Committee. Relying on this statement, the representatives of the respondent has contended that the market